

# COCHISE COUNTY PLANNING & ZONING COMMISSION MINUTES

Wednesday, March 13, 2013

## **REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chairman Lynch at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Mr. Lynch moved the Work Session to the final item on the Agenda, after Call to the Public, the Planning Director's Report, and Call to Commissioners. Chairman Lynch then admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated there was one rezoning request on the Agenda in addition to the Work Session regarding the proposed changes to the Zoning Regulations. He explained the consequences of a potential tie vote and the process for approval and appeal.

## **ROLL CALL**

Chairman Lynch noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; eight Commissioners (Tim Cervantes, Pat Edie, Jim Lynch, Jim Martzke, Carmen Miller, Gary Brauchla, Liza Weissler, and Ron Bemis) indicated their presence. Staff members present included Beverly Wilson, Deputy Director; Peter Gardner, Planner I; Britt Hanson, Civil Deputy County Attorney; Michael Turisk, Planning Manager; and Pat Hoefer, Planning Tech.

## **APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the February 13, 2013 meeting as presented.

**Action:** Approve **Moved by:** Mr. Martzke, **Seconded by:** Ms. Weissler

**Vote:** Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Mr. Martzke, Ms. Miller, Chairman Lynch, Ms. Edie, Ms. Weissler, Mr. Cervantes, Mr. Brauchla

**No:** 0

**Abstain:** Mr. Bemis

## **NEW BUSINESS**

### **Item 1**

**Docket Z-13-01 (Yesca):** The Applicant, Ms. Maria Yesca, requested rezoning a 12,915 square foot parcel from TR-9 to MR-1 for the purpose of completing the conversion of an existing 850 square foot garage into a single-family home on her property located at 3790 S. Geisler Avenue in Naco.

Chairman Lynch called for the Planning Director's report. Mr. Turisk presented the docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Turisk explained that the request was to allow the legitimization and completion of a second single-family residence on the subject parcel. He explained how this request conformed to the Comprehensive Plan and the Naco Area Plan. Mr. Turisk also explained the non-conforming setback that would be created if the rezoning is approved, and how it would have to be rectified through a Variance request to the District 2 Board of Adjustment. Mr. Turisk closed by listing the factors in favor of and against approval and invited questions from the Commission. Ms. Weissler requested clarification on the scope of the request, which Mr. Turisk provided. Mr. Lynch asked what would happen if the Board of Supervisors approved the rezoning request but the Board of Adjustment denied the Variance request. Mr. Turisk explained the ramifications of that scenario.

Mr. Lynch invited the Applicant to make a statement. Mr. David Rogers spoke on behalf of the Applicant and explained his request and invited questions from the Commissioners. Ms. Weissler asked about a letter of opposition that disputed the existence of the garage being replaced by the second residence. Mr. Rogers explained that the garage had been present on the same footprint as the home, but was of a lighter construction.

Mr. Lynch noted that there were no members of the public wishing to speak regarding this item and invited discussion from Commissioners. Mr. Bemis asked about the ramifications for the structure if the rezoning failed to pass. Mr. Brauchla asked if the original garage was permitted. Mr. Turisk indicated that the garage was built prior to the zoning regulations taking effect. Mr. Brauchla asked about the legal nonconforming status. Mr. Turisk explained that the removal of the garage and construction of the residence created the need for permitting the structure. Mr. Martzke asked about the reduced setback and if the creation of a nonconformance would impact the rezoning discussion. It was clarified that the Board of Adjustment would still be required to grant a Variance to legitimize the location of the structure. Mr. Lynch then called for the Planning Director's summary and recommendation. Mr. Turisk recommended Conditional Approval. Mr. Lynch called for a motion. Mr. Martzke made a motion for recommending Conditional Approval. Mr. Bemis seconded the motion and Mr. Lynch called for a vote. The motion passed 7-1, with Ms. Edie in dissent.

**Motion:** Motioned to forward the request to the Board of Supervisors with a recommendation of Conditional Approval, subject to the conditions recommended by staff.

**Action:** Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Bemis

**Vote:** Motion passed (**Summary:** Yes = 7, No = 1, Abstain = 0)

**Yes:** Mr. Martzke, Ms. Miller, Chairman Lynch, Mr. Cervantes, Mr. Brauchla, Ms. Weissler and Mr. Bemis

**No:** Ms. Edie

## **CALL TO THE PUBLIC**

Chairman Lynch opened the "Call to the Public." Jack Cook spoke about various matters. Jere Fredenburgh asked the Commission about the creation of a Public Advisory Board. Mr. Lynch explained that the "Call to the Public" was not a "question and answer" session, and explained that the Commission was unable under the Open Meeting Law to address or answer Ms. Fredenburgh's questions at that time.

Mr. Lynch did note that the creation of an Advisory Board was regarding Building Code rather than Planning or Zoning and explained that the Commission was aware of the issue and that it would be taken up by the Board of Supervisors. Chairman Lynch closed the "Call to the Public."

## **PLANNING DIRECTOR'S REPORT**

Chairman Lynch then called for the Planning Director's report. Deputy Director Beverly Wilson reported that there would be a Special Use for a Wind Energy Power Plant for the next meeting. She also noted that a staff-initiated Special Use revocation for a Solar Energy Power Plant approved in 2009 would be before the Commission next month. Lastly, Ms. Wilson reminded the Commission that next month's meeting would continue with a Work Session on Article 19 of the Zoning Regulations.

## **CALL TO COMMISSIONERS**

Chairman Lynch raised issues with the Commissioners about accessing County assigned email accounts. Ms. Weissler asked about emails being forwarded to other accounts. Mr. Lynch explained the security rationale against doing so.

## **WORK SESSION**

The Commission held a Work Session to continue reviewing proposed changes to the Zoning Regulations. Articles 12 through 24 were covered with the exception of Article 19. Chairman Lynch noted that the Work Session was open to the Public, but was not a Public Hearing. He reiterated that there would be no action taken at this time. Mr. Lynch did note that there were several issues from the previous Work Session that would need to be checked. Ms. Wilson presented and explained the proposed changes. There were numerous requests for clarification and suggestions for minor changes from the Commission. There was also a discussion about creating several types of site plans for various types of projects. Another Work Session was proposed to review Article 19.

## **ADJOURNMENT**

Ms. Miller moved to adjourn, Mr. Martzke seconded, and the meeting was adjourned at 6:15 p.m.